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BEFORE THE ARIZONA CORPORATE

COMMISSIONERS

BOB STUMP – Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH

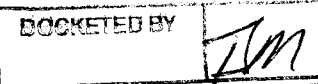
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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

JUN 19 2013



IN THE MATTER OF THE APPLICATION
OF JOHNSON UTILITIES, L.L.C. FOR
APPROVAL TO EXTEND ITS
CERTIFICATES OF CONVENIENCE AND
NECESSITY FOR WATER AND
WASTEWATER SERVICES.

DOCKET NO. WS-02987A-12-0136

PROCEDURAL ORDER
(GRANTING EXTENSION)

BY THE COMMISSION:

On April 6, 2012, Johnson Utilities, L.L.C. (“Johnson” or “Company”) filed with the Arizona Corporation Commission (“Commission”) an application for approval to extend its Certificate of Convenience and Necessity (“CC&N”) to provide water and sewer services to an area known as Bella Vista North (located approximately 0.7 miles from the Town of Florence) and Merrill Ranch Expansion #1 (located within the limits of the Town of Florence).

On April 18, 2012, Johnson filed supplements to its application.

On May 7, 2012, the Commission’s Utilities Division (“Staff”) issued an Insufficiency Letter, stating that Johnson’s application had not met the sufficiency requirements as set forth in the Arizona Administrative Code (“A.A.C.”).

On May 23, 2012, Johnson filed responses to Staff’s Insufficiency Letter.

On July 27, 2012, Johnson filed additional information in support of its application.

On November 30, 2012, Johnson filed an amended legal description which, at the developer’s request, deleted a portion of the requested extension area.

On December 20, 2012, Johnson filed an updated legal description.

On February 6, 2013, Staff filed a Sufficiency Letter in this docket stating that Johnson’s application had met the sufficiency requirements as outlined in the A.A.C.

On February 12, 2013, by Procedural Order, the matter was scheduled for hearing and

1 procedural deadlines were established.

2 On March 8, 2013, Johnson filed a Notice of Appearance of Counsel and Request to Modify
3 Procedural Schedule.

4 On March 12, 2013, a Procedural Order was issued modifying the procedural deadline for
5 filing the Staff Report and Johnson's time to file objections to the Staff Report.

6 On March 20, 2013, Johnson filed a Notice of Filing Affidavit of Publication and Affidavit of
7 Mailing Notice.

8 On April 2, 2013, Staff filed a Staff Report in this matter, recommending an Order
9 Preliminary with conditions.

10 On April 12, 2013, Johnson filed comments on the Staff Report.

11 On April 18, 2013, a full evidentiary hearing was held as scheduled before a duly authorized
12 Administrative Law Judge of the Commission. Johnson and Staff appeared through counsel and no
13 members of the public appeared to present public comments. At the conclusion of the hearing, Staff
14 was instructed to file a Closing Brief; the Company was instructed that it may file a response; and the
15 Company was directed to file a late-filed exhibit related to Arizona Department of Environmental
16 Quality ("ADEQ") violations.

17 On April 19, 2013, Johnson docketed a Notice of Filing Late-Filed Exhibits.

18 On May 8, 2013, Staff filed a request for an extension of time, from May 13, 2013 to May 22,
19 2013, to file its closing brief. Staff's request stated that the Company did not oppose Staff's request
20 for an extension of time to file Staff's Closing Brief. Further, Staff requested that the time for the
21 Company to file a responsive brief be extended accordingly.

22 On May 13, 2013, a Procedural Order was issued granting Staff's request for additional time
23 to file its closing brief and for Johnson to file a responsive brief. The timeclock in this matter was
24 also suspended.

25 On May 21, 2013, Johnson filed a Notice of Late Filing Updated Preliminary Engineering
26 Analysis.

27 On May 22, 2013, Staff filed its Closing Brief.

1 On June 10, 2013, Johnson filed a Request to Extend Deadline for Filing Response to Staff's
2 Closing Brief. Johnson's request stated that Johnson and Staff had a scheduled meeting on June 14,
3 2013, which might lead to a narrowing of the issues in the case. Therefore, Johnson requested an
4 extension of time from June 10, 2013 to June 17, 2013, for Johnson to file a responsive brief in this
5 matter. Johnson's request stated that Staff did not oppose Johnson's requested extension of the time
6 deadline.

7 On June 11, 2013, a Procedural Order was issued granting Johnson's request and granting
8 Staff an extension of time until July 1, 2013, to file a reply to Johnson's response.

9 On June 17, 2013, Johnson filed a second request to extend the time deadline. In its request,
10 Johnson states that Johnson and Staff met on June 14, 2013, in an effort to clarify and narrow the
11 disagreements between the parties regarding Staff's recommendations as listed in Staff's Closing
12 Brief. Further, Johnson's request states that the meeting was productive and the parties would like
13 some additional time for further discussions and to gather some additional information. Johnson
14 requests an extension of time from June 17, 2013 to July 1, 2013, to file its response to Staff's
15 Closing Brief and that the time deadline for Staff to file its reply be extended to July 15, 2013.
16 Johnson states that Staff supports Johnson's request.

17 On the same date, Staff docketed a Notice of Filing Supplement to Closing Brief. Staff's
18 notice indicates that Staff learned that ADEQ has closed two Notices of Violations ("NOVs") issued
19 to Johnson in October and November of 2012. However, Staff reports that it has also learned that
20 two additional NOVs were issued to Johnson on May 31, 2013, and were docketed in Docket Nos.
21 WS-02987A-99-0583; WS-02987A-00-0618; WS-02987A-00-0774; and WS-02987A-00-0784. Staff
22 states that based on the fact that Johnson remains out of compliance with ADEQ, these facts do not
23 change Staff's position in this matter.

24 Johnson's request is reasonable and Staff does not oppose the extension of the time deadline.
25 Further, it is appropriate to require Johnson to file in this docket, copies of the recent NOVs issued by
26 ADEQ on May 31, 2013 and any future NOVs issued by ADEQ, until further Order of the
27 Commission.
28

IT IS THEREFORE ORDERED that Johnson's request for an extension of time, from June 17, 2013 to July 1, 2013, to file its response to Staff's Closing Brief is hereby granted.

IT IS FURTHER ORDERED that Staff shall file a reply to Johnson's response on or before July 15, 2013.

IT IS FURTHER ORDERED that Johnson shall file in this docket, copies of the recent NOV's issued by ADEQ on May 31, 2013 on or before June 25, 2013.

IT IS FURTHER ORDERED that Johnson shall file in this docket, within 10 days of Johnson's receipt, any future NOV's issued by ADEQ, until further Order of the Commission.

IT IS FURTHER ORDERED that the timeclock in this matter remains suspended.

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized Communications) continues to apply to this proceeding and shall remain in effect until the Commission's Decision in this matter is final and non-appealable.

IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 19th day of June, 2013.

YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed this 19th day of June, 2013, to:

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